

PROCEDURES FOR THE PROCESSING OF REQUESTS BY THE COMMISSION FOR THE CONTROL OF INTERPOL'S FILES

1. Acknowledgment of receipt

The Commission acknowledges receipt of a request at the earliest opportunity, and informs the applicants of the applicable procedure and timeframe (Article 31.1 of the Statute).

2. Admissibility

The Commission checks the admissibility of a request (see How to submit a request) and informs the Applicant of its decision no later than one month from receipt of the request. If necessary, it can invite the Applicant to provide additional information or documents in support of his/her request.

The Commission can conclude that a request is inadmissible in the following cases:

- Failure to provide any of the information required within the deadline indicated by the Commission, unless it recognizes that exceptional circumstances require flexibility;
- The request is considered incompatible with the provisions of the Statute of the Commission for the Control of INTERPOL's Files and the admissibility criteria defined by the Commission in its Operating Rules.
- The Commission determines whether a request is unreasonable, notably by taking account of the number or repetitive nature of the requests.

If the Commission considers the request to be inadmissible in whole or in part, it will give the reasons for its decision.

The Commission supervises the processing of data that are in the INTERPOL Information System only. It is not empowered to lead an investigation, to weigh evidence, or to make a determination on the merits of a case. Only the competent national or regional authorities may do so.

3. Identification of data in INTERPOL's Files

The Commission determines whether there are any data in INTERPOL's Files concerning the Applicant. For that purpose, it can consult the INTERPOL General Secretariat.

4. Identification of specific issues to be considered

Before studying the request, the Commission may need to address specific issues raised, such as:

- **Urgent character of a case**: In principle, requests are be processed in order of arrival. In exceptional circumstances, the Commission may decide to give priority to a particular request, for example if:
    - the Applicant was discharged by a court for the acts of which he/she is accused, which are the legal basis for the processing of data in INTERPOL's files;
    - the Applicant's extradition is imminent.



- **Hearing of requesting parties:** The procedure before the Commission must be in writing. The Commission does not meet requesting parties or their duly authorized representatives, except in exceptional circumstances if, after examining the file concerned it considers that such a meeting is necessary (Article 36 of the Statute).

- **Provisional measures:** Where there is a risk that serious violations of INTERPOL's rules might occur, the Commission can, at any time, take binding decisions on the application of provisional measures pending the examination of the request (Article 37.1 of the Statute). These include blocking access by INTERPOL member countries to the data concerned, or withdrawing the abstract of a notice from INTERPOL's website.

5. Checks

The nature and extent of the checks undertaken by the Commission depend on the nature of the individual request (see sections "Your Rights" and "How to submit a request") and of the data challenged.

In that context, the Commission may consult the parties to the case concerned: the INTERPOL General Secretariat; the source of the data, generally an INTERPOL National Central Bureau (NCB); the NCB(s) of any other country concerned; or the Applicant (Article 34 of the Statute).

In accordance with Article 21 of the Statute, the Commission may also seek information or clarification from any other entity.

The Commission checks whether data concerning the Applicant exist in INTERPOL's files and, when necessary, consults the source of data before disclosing information to the Applicant.

For requests for correction and/or deletion the Commission also undertakes an in-depth check of the data concerned, taking into account the elements provided by all the parties involved, in particular those provided by the Applicant to support his/her claim.

ⓘ *When performing its checks, the Commission does not:*

- *substitute its judgment for that of national judicial authorities by checking or amending charges. Nevertheless, it can ask relevant questions in order to facilitate a decision on whether or not the suits are still valid, the police data are accurate and up to date and, more generally, whether or not the data should actually be recorded or retained in the files;*
- *assess the legal situation in a member country with a view to giving an opinion on the validity of an arrest warrant or a legal decision.*

6. Decisions

The Commission bases its findings on information provided by the Applicant, the NCBs concerned and INTERPOL's General Secretariat. Its decisions are subject to the specificities of each case.

The Commission addresses its Decisions in reports communicated to INTERPOL's General Secretariat for their implementation. The General Secretariat implements the Commission's Decisions within one month, unless it seeks further clarifications.



From the date on which the request was declared admissible the Decision shall be taken within the deadlines established in paragraph 40 of the Statute of the Commission.

7. Information of the Applicant

The Applicant will be informed of the data concerning him/her that are processed in INTERPOL's files, subject to specific restrictions on the initiative of the Commission or at the request of the owner of the data.

When appropriate and possible, the Commission may direct the Applicant to the competent national authorities able to provide him/her with a helpful answer to his/her request.

The Commission decides on the best methods and means of communication with Applicants and their lawyers.